

REFERENCE TITLE: gubernatorial nominations; senate confirmation process

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1014

Introduced by
Senator Gray C

AN ACT

AMENDING SECTION 38-211, ARIZONA REVISED STATUTES; RELATING TO PUBLIC OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 38-211, Arizona Revised Statutes, is amended to
3 read:

4 38-211. Nominations by governor; consent of senate; appointment

5 A. When it is provided by law that a state officer shall be appointed
6 pursuant to this section, the governor shall nominate and, with the consent
7 of the senate, appoint ~~such~~ THE officer as prescribed in this section.

8 B. If the term of any state office ~~which~~ THAT is appointive pursuant
9 to this section expires, begins or becomes vacant ~~during a regular~~
10 ~~legislative session~~, ALL OF THE FOLLOWING APPLY:

11 1. The governor shall ~~during such session~~ PROMPTLY nominate a person
12 who meets the requirements of law for ~~such~~ THE office and shall ~~promptly~~
13 transmit the nomination to the president of the senate IN WRITING, INCLUDING
14 THE NOMINEE'S RESIDENCE ADDRESS AND THE OFFICE FOR WHICH NOMINATED.

15 2. If the incumbent is ~~capable of continuing~~ WILLING AND ABLE TO
16 CONTINUE to ~~serve~~ DISCHARGE THE DUTIES OF THE OFFICE AFTER THE INCUMBENT'S
17 TERM EXPIRES until ~~his~~ THE successor has ~~qualified, a~~ BEEN CONFIRMED BY THE
18 SENATE, THE nominee ~~to that position~~ shall not assume and discharge the
19 duties of the office, ~~pending~~ UNTIL CONFIRMED BY THE senate
20 ~~confirmation~~. THE INCUMBENT SHALL NOT SERVE LONGER THAN ONE YEAR AFTER THE
21 INCUMBENT'S CURRENT TERM EXPIRES.

22 3. If THE OFFICE DOES NOT HAVE AN INCUMBENT OR the incumbent is
23 UNWILLING OR unable to continue to discharge the duties of THE office, the
24 nominee shall assume and discharge the duties of the office ~~pending senate~~
25 ~~confirmation~~. IF THE SENATE DOES NOT CONFIRM THE NOMINATION WITHIN ONE YEAR
26 AFTER NOMINATION, THE OFFICE IS VACANT AND THE GOVERNOR SHALL PROMPTLY
27 NOMINATE ANOTHER PERSON WHO MEETS THE REQUIREMENTS OF LAW FOR THE OFFICE.

28 4. IF THE GOVERNOR RENOMINATES AN INCUMBENT TO THE SAME OFFICE, THE
29 INCUMBENT SHALL NOT SERVE LONGER THAN ONE YEAR FROM THE DATE ON WHICH THE
30 INCUMBENT'S CURRENT TERM OF OFFICE EXPIRED WITHOUT SENATE CONFIRMATION. IF
31 THE INCUMBENT IS NOT CONFIRMED BY THE SENATE WITHIN ONE YEAR AFTER THE DATE
32 ON WHICH THE INCUMBENT'S CURRENT TERM OF OFFICE EXPIRED, THE OFFICE IS VACANT
33 AND THE GOVERNOR SHALL PROMPTLY NOMINATE ANOTHER PERSON WHO MEETS THE
34 REQUIREMENTS OF LAW FOR THE OFFICE.

35 5. If the senate ~~consents to~~ CONFIRMS the nomination, the governor
36 shall then appoint the nominee to serve for the term or, in the case of a
37 vacancy, for the unexpired term in which the vacancy occurred.

38 6. If the senate ~~rejects~~ DOES NOT CONFIRM the nomination WITHIN ONE
39 YEAR AFTER NOMINATION OR IF THE NOMINATION FAILS IN THE SENATE, the nominee
40 shall not be appointed and the governor shall promptly nominate another
41 person who meets the requirements OF LAW for ~~such~~ THE office.

42 C. If the senate ~~takes no formal action on the nomination during such~~
43 ~~legislative session, or if a nomination other than one that is required to be~~
44 ~~sent to the senate during the first week of the legislative session is not~~
45 ~~received during the session, the governor shall after the close of such~~

1 ~~legislative session appoint the nominee to serve, and the nominee shall~~
2 ~~discharge the duties of office, subject to confirmation during the next~~
3 ~~legislative session~~ DOES NOT CONFIRM A NOMINATION WITHIN ONE YEAR AFTER
4 NOMINATION, THE GOVERNOR MAY NOMINATE THE SAME PERSON, IF THE PERSON MEETS
5 THE REQUIREMENTS OF LAW FOR THE OFFICE, FOR ANOTHER POSITION ON THE SAME
6 BOARD OR COMMISSION OR FOR A FUTURE TERM OF THE SAME POSITION ON THE SAME
7 BOARD OR COMMISSION.

8 ~~C. If the term of any state office which is appointive pursuant to~~
9 ~~this section expires, begins or becomes vacant during a time in which the~~
10 ~~legislature is not in regular session, the governor shall nominate a person~~
11 ~~who meets the requirements of law for such office and shall transmit the~~
12 ~~nomination to the president of the senate during the first week of the next~~
13 ~~regular session. The nominee shall assume and discharge the duties of the~~
14 ~~office until rejection of the nomination or inaction of the senate.~~

15 ~~D. Every officer who is subject to confirmation as provided in this~~
16 ~~section and whose term is not fixed by law shall hold office at the pleasure~~
17 ~~of the appointing power.~~

18 ~~E. In no event shall a nominee serve longer than one year after~~
19 ~~nomination without senate consent.~~

20 ~~F. Nominations made by the governor shall be in writing, designating~~
21 ~~the residence of the nominee and the office for which nominated.~~

22 ~~G.~~ D. When the senate consents to a nomination, ~~its~~ THE secretary OF
23 THE SENATE shall deliver a copy of the resolution of consent, certified by
24 the president of the senate, to the secretary of state, who shall notify the
25 governor. ~~When the senate rejects~~ IF a nomination FAILS IN THE SENATE, ~~its~~
26 THE secretary OF THE SENATE shall ~~inform~~ PROMPTLY NOTIFY the governor
27 ~~promptly.~~

28 E. AN OFFICER WHO HOLDS OFFICE PURSUANT TO THIS SECTION AND WHOSE TERM
29 IS NOT FIXED BY LAW HOLDS OFFICE AT THE PLEASURE OF THE APPOINTING POWER.

30 Sec. 2. Emergency

31 This act is an emergency measure that is necessary to preserve the
32 public peace, health or safety and is operative immediately as provided by
33 law.